

11
paper number

REQUEST FOR ACCESS

Date:

8/17/99

Serial Number:

07/728, 838

Filing Date:

7/9/91

Applicants:

Jicki A. Rose

Sir.

Request is hereby respectfully made for access to the file history of the following abandoned application referred to in U.S. patent number 5,342,774 or printed application number _____.

Respectfully submitted.

Andrew Kamer

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initials

FILE INFORMATION UNIT

Elfje and Lynch
805 Third Avenue
New York, NY 10022

Thierry Boon
07/728,838
July 9, 1991

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

Mailed: 7/20/91

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR § 1.821(a)(1) and (a)(2). However, this application fails to comply with one or more of the requirements of 37 CFR §§ 1.821 through 1.825 as follows:

1. This application clearly fails to comply with the collective requirements of §§ 1.821 through 1.825. Applicant's attention is directed to these regulations, a copy of which is attached. Application lacks a properly formatted Sequence Listing and a copy of the listing in computer readable form.

2. This application does not conform exclusively to the requirements of §§ 1.821 through 1.825. The non-conforming material should be deleted. § 1.821(b).

3. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing." § 1.821(c).

4. This application does contain, as a separate part of the disclosure on paper copy, a "Sequence Listing." However, the "Sequence Listing" does not comply with the requirements of §§ 1.821 through 1.825 as follows:

a. The sequence data does not comply with the symbol and format requirements of paragraphs (b) through (p) of § 1.822. Specifically: _____

b. The "Sequence Listing" does not comply with the location and page requirements of paragraph (a) of § 1.823.

c. The "Sequence Listing" does not comply with the information requirements of paragraph (b) of § 1.823. Specifically: _____

d. Other: _____

5. The description and/or claims of the patent application mention a sequence that is set forth in the "Sequence Listing" but reference is not properly made to the sequence by use of a sequence identifier as required by § 1.821(d).

6. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by § 1.821(e).

7. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the computer readable form does not comply with the requirements of § 1.824. Specifically: _____

8. A statement that the content of the paper and computer readable copies are the same has not been submitted as required by § 1.821(f).

9. The amendment to or replacement of the paper and/or computer readable copies of the "Sequence Listing" does not comply with the requirements of § 1.825(a) through (c).

10. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable. Applicant must provide a substitute copy of the data in computer readable form accompanied by a statement that the substitute data is identical to that originally filed. § 1.825(d). Specifically: _____

11. Other: _____

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE ABOVE REQUIREMENTS. Failure to comply with the above requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR § 1.136. Direct the response to, and any questions about, this notice to the undersigned. A copy of this notice MUST be returned with your response.

C Barnes NT

- (3) Computer: Apple Macintosh;
 - (i) Operating System: Macintosh;
 - (ii) Macintosh File Type: text with line termination
 - (iii) Line Terminator: Pre-defined by text type file;
 - (iv) Pagination: Pre-defined by text type file;
 - (v) End-of-file: Pre-defined by text type file;
 - (vi) Media: (A) Diskett—3.50 inch, 400 Kb storage;
(B) Diskette—3.50 inch, 800 Kb storage;
(C) Diskette—3.50 inch, 1.4 Mb storage;
 - (vii) Print Command: Use PRINT command from any Macintosh Application that processes text files, such as MacWrite or Teach Text;
 - (4) Magnetic tape: 0.5 inch, up to 2400 feet;
 - (i) Density: 1600 or 6250 bits per inch, 9 track;
 - (ii) Format: raw, unblocked;
 - (iii) Line Terminator: ASCII Carriage Return plus optional ASCII Line Feed;
 - (iv) Pagination: ASCII Form Feed or Series of Line Terminators;
 - (v) Print Command (Unix shell version given here as sample response—mt/dev/rmt0; lpr/dev/rmt0):
 - (g) Computer readable forms that are submitted to the Office will not be returned to the applicant.
 - (h) All computer readable forms shall have a label permanently affixed thereto on which has been hand printed or typed, a description of the format of the computer readable form as well as the name of the applicant, the title of the invention, the date on which the data were recorded on the computer readable form and the name and type of computer and operating system which generated the files on the computer readable form. If all of this information cannot be printed on a label affixed to the computer readable form, by reason of size or otherwise, the label shall include the name of the applicant and the title of the invention and a reference number, and the additional information may be provided on a container for the computer readable form with the name of the applicant, the title of the invention, the reference number and the additional information affixed to the container. If the computer readable form is submitted after the date of filing

under 35 U.S.C. 111, after the date of entry in the national stage under 35 U.S.C. 371 or after the time of filing, in the United States Receiving Office, an international application under the PCT, the labels mentioned herein must also include the date of the application and the application number, including series code and serial number.

§ 1.825 Amendments to or replacement of sequence listing and computer readable copy thereof.

(a) Any amendment to the paper copy of the "Sequence Listing" (§ 1.821(c)) must be made by the submission of substitute sheets. Amendments must be accompanied by a statement that indicates support for the amendment in the application, as filed, and a statement that the substitute sheets include no new matter. Such a statement must be a verified statement if made by a person not registered to practice before the Office.

(b) Any amendment to the paper copy of the "Sequence Listing," in accordance with paragraph (a) of this section, must be accompanied by a substitute copy of the computer readable form (§ 1.821(e)) including all previously submitted data with the amendment incorporated therein, accompanied by a statement that the copy in computer readable form is the same as the substitute copy of the "Sequence Listing." Such a statement must be a verified statement if made by a person not registered to practice before the Office.

(c) Any appropriate amendments to the "Sequence Listing" in a patent, e.g., by reason of reissue or certificate of correction, must comply with the requirements of paragraphs (a) and (b) of this section.

(d) If, upon receipt, the computer readable form is found to be damaged or unreadable, applicant must provide, within such time as set by the Commissioner, a substitute copy of the data in computer readable form accompanied by a statement that the substitute data is identical to that originally filed. Such a statement must be a verified statement if made by a person not registered to practice before the Office.

- (i) APPLICANT: Doe, Joan X. Doe, John Q
- (ii) TITLE OF INVENTION: Isolation and Characterization of a Gene Encoding a Protease from *Paramecium* sp.
- (iii) NUMBER OF SEQUENCES: 2
- (iv) CORRESPONDENCE ADDRESS:
 - (A) ADDRESSEE: Smith and Jones
 - (B) STREET: 123 Main Street
 - (C) CITY: Smalltown
 - (D) STATE: Anystate
 - (E) COUNTRY: USA
 - (F) ZIP: 12345
- (v) COMPUTER READABLE FORM:
 - (A) MEDIUM TYPE: Diskette, 3.50 inch, 800 Kb storage
 - (B) COMPUTER: Apple Macintosh
 - (C) OPERATING SYSTEM: Mcintosh 5.0
 - (D) SOFTWARE: MacWrite
- (vi) CURRENT APPLICATION DATA:
 - (A) APPLICATION NUMBER: 09/999,999
 - (B) FILING DATE: 28-FEB-1989
 - (C) CLASSIFICATION: 999/99
- (vii) PRIOR APPLICATION DATA:
 - (A) APPLICATION NUMBER: PCT/US88/99999
 - (B) FILING DATE: 01-MAR-1988
- (viii) ATTORNEY/AGENT INFORMATION:
 - (A) NAME: Smith, John A.
 - (B) REGISTRATION NUMBER: 00001
 - (C) REFERENCE/DOCKET NUMBER: 01-0001
- (ix) TELECOMMUNICATION INFORMATION:
 - (A) TELEPHONE: (909) 999-0001
 - (B) TELEFAX: (909) 999-0002
- (2) INFORMATION FOR SEQ ID NO: 1
- (i) SEQUENCE CHARACTERISTICS:
 - (A) LENGTH: 954 base pairs
 - (B) TYPE: nucleic acid
 - (C) STRANDEDNESS: single
 - (D) TOPOLOGY: linear
- (ii) MOLECULE TYPE: genomic DNA
- (iii) HYPOTHETICAL: yes
- (iv) ANTI-SENSE: no
- (vi) ORIGINAL SOURCE:
 - (A) ORGANISM: *Paramecium* sp
 - (C) INDIVIDUAL/ISOLATE: XYZ2
 - (G) CELL TYPE: unicellular organism
- (vii) IMMEDIATE SOURCE:
 - (A) LIBRARY: genomic
 - (B) CLONE: Para-XYZ2/36
- (x) PUBLICATION INFORMATION:
 - (A) AUTHORS: Doe, Joan X. Doe, John Q
 - (B) TITLE: Isolation and Characterization of a Gene Encoding a Protease from *Paramecium* sp.
 - (C) JOURNAL: Fictional Genes
 - (D) VOLUME: I
 - (E) ISSUE: 1
 - (F) PAGES: 1-20
 - (G) DATE: 02-MAR-1988
- (K) RELEVANT RESIDUES IN SEQ ID NO: 1: FROM 1 TO 954

Appendix A—Sample Sequence Listing
(1) GENERAL INFORMATION:

BILLING CODE 3510-16-M

(xi) SEQUENCE DESCRIPTION: SEQ ID NO:1:

ATCGGGATAG TACTGGTCAA GACCGGTGGA CACCGTTAA CCCCGTTAA GTACCGTTA	60
TAGGCCATT CAGGCCAAAT GTGCCAACT ACGCCAATTG TTTGCCAAC GGCCAACGTT	120
ACGTTCGTAC GCACGTATGT ACCTAGGTAC TTACGGACGT GACTACGGAC ACTTCCGTAC	180
GTACGTACGT TTACGTACCC ATCCCAACGT AACCACAGTG TGGTCGCAGT GTCCCAGTGT	240
ACACAGACTG CCAGACATTC TTCACAGACA CCCC ATG ACA CCA CCT GAA CGT CTC	295
Met Thr Pro Pro Glu Arg Leu	
	-30
TTC CTC CCA AGG GTG TGT GGC ACC ACC CTA CAC CTC CTC CTT CTG GGG	343
Phe Leu Pro Arg Val Cys Gly Thr Thr Leu His Leu Leu Leu Gly	
-25 -20 -15	
CTG CTG CTG GTT CTG CTG CCT GGG GCC CAT GTGAGGCAGC AGGAGAATGG	393
Leu Leu Leu Val Leu Leu Pro Gly Ala His	
-10 -5	
GGTGGCTCAG CCAAACCTTG AGCCCTAGAG CCCCCCTCAA CTCTGTTCTC CTAG GGG	450
Gly	
CTC ATG CAT CTT GCC CAC AGC AAC CTC AAA CCT GCT GCT CAC CTC ATT	498
Leu Met His Leu Ala His Ser Asn Leu Lys Pro Ala Ala His Leu Ile	
1 5 10 15	
GTAAACATCC ACCTGACCTC CCAGACATGT CCCCACCCAGC TCTCCTCCTA CCCCTGCCTC	558
AGGAACCCAA GCATCCACCC CTCTCCCCCA ACTTCCCCCA CGCTAAAAAA AACAGAGGGAA	618
GCCCCACTCCT ATGCCTCCCC CTGCCATCCC CCAGGAACTC AGTTGTTCAAG TGCCCACCTTC	678
TAC CCC AGC AAG CAG AAC TCA CTG CTC TGG AGA GCA AAC ACG GAC CGT	726
Tyr Pro Ser Lys Gln Asn Ser Leu Leu Trp Arg Ala Asn Thr Asp Arg	
20 25 30	
GCC TTC CTC CAG GAT GGT TTC TCC TTG AGC AAC AAT TCT CTC CTG GTC	774
Ala Phe Leu Gln Asp Gly Phe Ser Leu Ser Asn Asn Ser Leu Leu Val	
35 40 45	
TAGAAAAAAAT AATTGATTTC AAGACCTTCT CCCCCATTCTG CCTCCATTCT GACCATTCA	834
GGGGTCGTCA CCACCTCTCC TTTGGCCATT CCAACAGCTC AAGTCTTCCC TGATCAAGTC	894
ACCGGAGCTT TCAAAGAAGG AATTCTAGGC ATCCCAGGGG ACCCACACCT CCCTGAACCA	954